



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
JANUARY 12, 2005**

**Rolando Torres, Jr., Acting Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

JANUARY 12, 2005

A regular meeting of the Merit System Board was held on Wednesday, January 12, 2005, in Trenton, New Jersey.

PRESENT: Acting Chairman Rolando Torres, Jr., Merit System Board Members, Flavella Branham, John Currie, Margaret E. L. Howard and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Acting Chairman Rolando Torres, Jr. opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 11, 2003, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

STATE

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

DATE: November 19, 2004

TO: Marjorie A. Schwartz, Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF HUMAN SERVICES

The Department of Human Services requests the creation of a new title series to classify the functions of staff conducting investigations of allegations of child abuse/neglect committed by employees, licensed/certified professionals and others providing child care services.

This series will be used in lieu of the generic investigator titles and will require experience appropriate for the function. They will be restricted for use to the Department of Human Services. Existing incumbents will be appointed to the new series pending promotional procedures.

ADDITION OF TITLES

Effective: 11/27/04

Supervisor of Investigations, Child Protection
S29- _____ P Career NL/12

Investigator 3, Child Protection
R27- _____ P Career NE/12

Investigator 2, Child Protection
I25- _____ P Career NE/12

Investigator 1, Child Protection
I23- _____ P Career NE/12

DATE: December 21, 2004

TO: Rolando Torres, Jr., Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the Classification Plan

DEPARTMENT OF HUMAN SERVICES AND GENERAL

The Department of Human Services requests permission to create a Senior Cottage Training Technician title for use in the Department of Human Services and a Senior Human Services Technician title for use in the Departments of Human Services and Military and Veterans' Affairs. The titles will be used as a career advancement path for Cottage Training Technician and Human Services Technician titles.

This request is per the AFSCME union agreement that became effective June 26, 2004. This action is with the review and consent of the respective negotiations representatives and the Governor's Office of Employee Relations. A forty-hour workweek designation is requested to coincide with the workweek of the entry-level title.

ADDITION OF TITLES

Effective: 06/26/04

Senior Cottage Training Technician
H13-_____ Competitive P 40/12

Senior Human Services Technician
H13-_____ Competitive P 40/12

CONFIDENTIAL APPOINTMENTS

The Merit System Board recorded the following Confidential Appointments under N.J.S.A. 11A:3-4(h):

Andre M. Stuckey, appointed as a Confidential Secretary, Department of Transportation, effective October 4, 2004, salary of \$50,000.00 per annum.

Carleton Lee, appointed as Confidential Assistant, Department of Health and Senior Services, effective December 6, 2004, salary of \$78,000.00 per annum.

Charles Jones, appointed as Confidential Assistant, Department of Human Services, effective August 7, 2004, salary of \$75,000.00 per annum.

Ross MacDonald, appointed as Confidential Secretary, Department of Environmental Protection, effective November 27, 2004, salary of \$90,000.00 per annum.

Adam J. Sabath, appointed as Confidential Assistant, Department of Labor, effective November 16, 2004, salary of \$128,625.00 per annum.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Mary Bevilacqua, Cottage Training Supervisor, Hunterdon Developmental Center, Department of Human Services, removal.

Gary Brennan, Plumber, Jersey City School District, good faith layoff.

Daniel Doyle, Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, removal.

Vernon Drummond, Residential Services Worker, Vineland Developmental Center, Department of Human Services, indefinite suspension pending disposition of criminal charges.

Leo Roberts, Recreation Maintenance Worker, Department of Administration, Finance and Public Works, Township of Ewing, removal.

Pamela Jan Rosenberg, Laborer, Department of Public Works, Township of Vernon, release at the end of the working test period and good faith layoff.

Louis Smith, Police Officer, Police Department, City of Newark, removal.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Jason Moler, Correction Officer Recruit, South Woods State Prison, Department of Corrections, removal.

Osita Nwankwo, Investigator, Essex Vicinage, Department of Judiciary, removal.

Robin Peterson, Judiciary Clerk 2, Essex Vicinage, Department of Judiciary, removal.

Monique Rainey, Institutional Attendant, Preakness Healthcare Center, County of Passaic, suspension.

Kelly Shaw, Judiciary Clerk 2, Essex Vicinage, Department of Judiciary, release at the end of the working test period.

Lakisha Thompson, Human Services Assistant, Vineland Developmental Center, Department of Human Services, removal.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of John Barbo
City of Hoboken
Department of Environmental Services
Layoff

Anthony Calabrese, Jr.
City of Jersey City
Department of Fire and Safety Services
Suspension

Kathryn Grayson
North Jersey Developmental Center
Department of Human Services
Suspension

In the Matter of Joseph Haug
Department of Environmental Protection
Suspension

In the Matter of Thomas Haythorn
Hunterdon Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Mario Prophete
County of Mercer
Department of Transportation and Infrastructure
Suspension

In the Matter of Wayne Richardson
City of East Orange
Department of Recreation and Cultural Affairs
Layoff

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

ACTION: The Merit System Board acknowledged the settlements.

A2 LORETTA DIXON

Loretta Dixon, Clerk Typist, County of Union, Department of Human Services, resignation not in good standing effective December 13, 2000, on charges of insubordination, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and job abandonment.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-3 TRAVIS FREDRICK

Travis Fredrick, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective September 19, 2000, on the charge of physical or mental abuse of a patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-4 KEITH JOHNSON

Keith Johnson, Building Maintenance Worker, County of Morris, Department of Long Term Care Services, removal effective August 12, 2003, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board directed that this matter be held over.

A-5 YVONNE LINDSEY

Yvonne Lindsey, Cottage Training Technician, Vineland Developmental Center, Department of Human Services, removal effective October 3, 2003, on the charge of absent from work as scheduled but without permission.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to reverse the removal.

A-6 KERRY MARTIN

Kerry Martin, Mechanic, County of Union, Department of Operations and Facilities, removal effective May 2, 2003, on the charge of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-7 CHINWE ONYIANTA

Chinwe Onyianta, Head Nurse, County of Essex, Department of Health and Rehabilitation, removal effective August 1, 1996, on charges of being unfit for duty, neglect of duty, failure to perform duties, conduct unbecoming a public employee, theft of public funds and endangering the welfare of patients.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a six month suspension and a demotion to the title of Graduate Nurse.

A-8 CHRISTINA SOVINSKI

Christina Sovinski, Clerk Typist, Township of South Orange, Department of Administration and Finance, removal effective May 28, 2003, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-9 CARMELLA VARGA

Carmella Varga, Deputy Municipal Court Administrator, Township of North Brunswick, Municipal Court, removal effective April 10, 2003, on the charge of failure to perform duties, inability to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board directed that this matter be held over.

A-10 JOSEPH PLESS

Joseph Pless, Police Officer, Borough of Lodi appealed the bypass of his name on the certification for Police Sergeant (PM2547B), Borough of Lodi, eligible list.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION: The Merit System Board acknowledged the settlement as clarified.

SECTION B – MISCELLANEOUS MATTERS

B-1 STEVEN C. JONES

Steven C. Jones, represented by Jerrold A. Tenzer, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this matter be referred for independent psychological evaluation.

B-2 COLM F. MCQUAID

Colm F. McQuaid appeals his rejection as a Police Officer candidate by the Borough of Fort Lee and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this matter be referred for independent psychological evaluation.

B-3 NIEVES M. MENDOZA

Nieves M. Mendoza, represented by Sidney H. Lehmann, Esq., appeals his rejection as a Police Officer candidate by Ewing Township and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-4 MARC T. MIDDLETON

Marc T. Middleton appeals his rejection as a Sheriff's Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-5 J. KENT SHELLENBERGER, II

J. Kent Shellenberger, II, represented by Jason H. Chessman, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that his appeal be denied.

B-6 MIGUEL A. VARGAS

Miguel A. Vargas appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-7 PAUL YONALDO

Paul Yonaldo, represented by Stephen D. Brown, Esq., appeals his rejection as a Police Officer candidate by the City of East Orange and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-8 THERESA L. HUNTER

Theresa L. Hunter appeals the request by the Camden County Department of Corrections to remove her name from the County Correction Officer (S9999D) eligible list for medical unfitness to effectively perform the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-9 DAVID L. KINSLER

David L. Kinsler, represented by Adam E. Gersh, Esq., appeals his rejection as a County Correction Officer by Camden County and its request to remove his name from the eligible list for County Officer (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-10 DAWN GRANT

Dawn Grant, a Senior Correction Officer at Northern State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted in part.

B-11 ALTHEA HYLTON-LINDSAY

Althea Hylton-Lindsay, an Associate Professor at William Paterson University of New Jersey, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-12 ELLEN KELLEY

Ellen Kelley, a Food Service Supervisor 1 at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-13 RAYMOND LECHKENBUSCH

Raymond Lechkenbusch, an Investigator 1, Unemployment Insurance with the Department of Labor and Workforce Development, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-14 JUDITH MELANI

Judith Melani, an Assistant Supervisor of Professional Residential Services, Developmental Disabilities, with the North Jersey Developmental Center, Department of Human Services, represented by Thomas Melani, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this matter be referred to the Medical Examiners Panel.

B-15 TODD MURRAY

Todd Murray, a Senior Correction Officer with the Edna Mahan Correctional Facility for Women, Department of Corrections (DOC), represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-16 WILLIAM ROSADO

William Rosado, a Crew Supervisor, Plumbers and Steamfitters at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-17 MARGARET SENSKI

Margaret Senski a Cottage Training Technician with New Lisbon Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-18 JANET TIGHE

Janet Tighe, a Principal Audit Account Clerk with the Richard Stockton College of New Jersey, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-19 JOHN M. CARLUCCIO

The County of Morris appeals the decision of Human Resource Information Services, restoring the name of John M. Carluccio to the Counselor, Adolescent Unit (C0489E), County of Morris, eligible list.

ACTION: The Merit System Board directed that this appeal be denied.

B-20 HARRY CREO

Harry Creo, represented by Joseph A. Fortunato, Esq., appeals the decision of the Division of Human Resource Information Services which upheld the removal of the appellant's name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to an unsatisfactory criminal record.

ACTION: The Merit System Board directed that this appeal be granted.

B-21 TERRI RODGERS

Terri Rodgers, represented by Harold W. George, Esq., appeals the decision of Human Resource Information Services which found that the County of Hudson had presented a sufficient basis to remove the appellant's name from the Juvenile Detention Officer (C2063D), County of Hudson, eligible list due to an unsatisfactory criminal record and the falsification of her employment application.

ACTION: The Merit System Board directed that this appeal be denied.

B-22 WILLIAM PEREZ

William Perez appeals the removal of his name from the Fire Fighter (M2013A), City of Camden, eligible list due to his failure to meet the residency requirement.

ACTION: The Merit System Board directed that this appeal be granted.

B-23 SANITATION SUPERINTENDENT (PM0538E), ATLANTIC CITY)

The Division of Human Resource Information Services requests that the Merit System Board order Atlantic City to return the February 20, 2004 certification (PL040382) of the eligible list for Sanitation Superintendent (PM0538E) for proper disposition.

ACTION: The Merit System Board granted the request.

B-24 PHILIP BEESLEY

Philip Beesley, a Forensic Scientist 3 with the Division of State Police, Department of Law & Public Safety, appeals the determination of the Deputy Chief of Staff stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-25 JOHN IVINS

John Ivins, a former Sergeant First Class with the New Jersey State Police, Department of Law and Public Safety, represented by Scott T. Schweiger, Esq., appeals the determination of the Deputy Chief of Staff, Office of the Attorney General, stating that the appellant had failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment and Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-26 WILLIAM LORENTZ

William Lorentz, a former Deputy Attorney General 3 with the Department of Law and Public Safety (DLPS), appeals the determination of the Deputy Chief of Staff, DLPS, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

VOTE:	Rolando Torres, Jr.	(Abstained)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-27 ROBERT PICONE

Robert Picone, a former Caretaker, Drumthwacket, with the Department of Environmental Protection (DEP, appeals the determination of the Chief of Staff, DEP, which found that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-28 OSVALDO REYES

Oswaldo Reyes, a Senior Correction Officer with the Department of Corrections (DOC), appeals the determination of the Assistant Director, Equal Employment Division (EED), with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that the appeal be granted and the matter be remanded to the DOC for determination of the appropriate penalty and further remedies, as appropriate.

B-29 NAPOLEON RUDOLPH

Napoleon Rudolph, a Senior Maintenance Worker with the Richard Stockton College of New Jersey appeals the determination of the College President stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-30 DONNA GALARZA

Donna Galarza petitions the Merit System Board for reconsideration of the decision rendered on May 19, 2004 which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 2 (PS6127K), Arthur Brisbane Child Treatment Center.

ACTION: The Merit System Board denied the request.

B-31 THOMAS MCNAUGHTON

Pemberton Township, represented by Denis C. Germano, Esq., petitions the Merit System Board for reconsideration of the final decision rendered on November 17, 2004, which ordered Pemberton to submit to a classification review of Thomas McNaughton's position and assessed it \$1,000 in administrative costs. Additionally, Pemberton petitions the Board for a stay of that decision.

ACTION: The Merit System Board denied the requests for reconsideration and a stay.

B-32 CHRISTOPHER PESCI

Christopher Pesci, represented by Benjamin Benson, Esq., requests reconsideration of the Merit System Board's decision *In the Matter of Christopher Pesci, Fire Fighter (M999E)* (Merit System Board, decided May 15, 2004).

ACTION: The Merit System Board granted a hearing on the issue of the actions of the monitor and directed that the remainder of the appeal be denied.

B-33 PHILIP SHELDON

Philip Sheldon petitions the Merit System Board for reconsideration of the decision rendered on July 14, 2004 which found that he satisfied the experience requirements for the promotional examination for Truck Driver (PM1028D), Borough of Bergen field, but only awarded him a score of 70,000 on the examination.

ACTION: The Merit System Board denied the request.

B-34 DIANNE TAYLOR AND BARBARA BERGER

Dianne Taylor and Barbara Berger request reconsideration of that part of the decision of the Merit System Board rendered on April 7, 2004, upholding the determinations of the Division of Selection Services that per the substitution clause for education, they did not meet the experience requirement for the promotional examination for Administrative Analyst 3 (PS5431K), Department of Human Services.

ACTION: The Merit System Board denied the requests.

B-35 AUGUSTINE UKEACHU

Augustine Ukeachu, a former Parole Officer Recruit with the Office of Parole Programs, Department of Corrections, requests reconsideration of the decision of the Merit System Board rendered on March 10, 2004, denying his appeal of his release at the end of the working test period, effective November 19, 1999.

ACTION: The Merit System Board denied the request.

B-36 WILLIAM G. GIBBONS

William G. Gibbons, represented by Steven H. Baker, Esq., and the City of Jersey City petition the Merit System Board for acknowledgement of the settlement agreement reached by the parties, which provides for Gibbons' appointment as a Fire Fighter.

ACTION: The Merit System Board acknowledged the settlement.

B-37 MARIO RIVERA AND VINCENT CARLOMAGNO

Mario Rivera and Vincent Carlomagno, represented by Benjamin Benson, Esq., and the City of Jersey City petitions the Merit System Board for acknowledgement of the settlement agreements reached by the parties, which provide for the appointments of Rivera and Carlomagno and Fire Fighters.

ACTION: The Merit System Board acknowledged the settlement.

B-38 THE TOWNSHIP OF BLOOMFIELD MAINTENANCE WORKERS ASSOCIATION

The Township of Bloomfield Maintenance Workers Association appeals the Township of Bloomfield's practice fining its employees as a form of minor discipline.

ACTION: The Merit System Board remanded to the Township the matter of Anthony Christiano's April 29, 2004 fine of eight hours work without pay for determination of the appropriate penalty and denied all other issues raised in the appeal.

B-39 JAMES CASSIDY

The appeal of James Cassidy, a Police Sergeant with the Township of Scotch Plains, concerning his removal, effective March 28, 2003, on charges, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on November 3, 2004. At its meeting on December 15, 2004, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a six-month suspension and a demotion to the title of Police Officer, Rather, the Board upheld the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-40 MARY MALONEY

The appeal of Mary Maloney, Supervising Research Analyst with the Department of Human services, of her 15-day suspension, on charges, was heard by Administrative Law Judge Douglas H. Hurd (AJ), who rendered his initial decision on November 12, 2004 dismissing the appeal. At its meeting on December 15, 2004, the Merit System Board ordered that this matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-41 BRYANT HAMILTON

The appeal of Bryant Hamilton, a Police Officer with the City of Camden of his six-month suspension and two 15-day fines (one fine equal to 10 days and five days held in abeyance, and one fine equal to five days and 10 days held in abeyance), on charges, was before Administrative Law Judge Ana C. Viscomi (ALJ) who rendered her initial decision on November 4, 2004, recommending that the settlement between the parties be acknowledged. At its meeting on December 15, 2004, the Merit System Board remanded the matters to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-42 CHARLES RAYMOND

The appeal of Charles Raymond, a Senior Correction Officer with the Juvenile Justice Commission, of his six-month suspension, on charges, was heard by Administrative Law Judge (ALJ), Ana C. Viscomi, who rendered her initial decision on November 4, 2004. At its meeting on December 15, 2004, the Merit System Board adopted the ALJ's recommendation to reverse the six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-43 ARMANDO ACOSTA

Armando Acosta appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Truck Driver (PM0252F), West New York.

ACTION: The Merit System Board directed that this appeal be granted.

B-44 JOHN ADONA

John Adona appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Data Processing Coordinator (PC0274F), Union County.

ACTION: The Merit System Board directed that this appeal be granted.

B-45 ANA AGUILAR

Ana Aguilar appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Human Services Specialist 4 (PC1329E), Somerset County Board of Social Services, because she did not have the required amount of permanent status in a title to which the examination was open.

ACTION: The Merit System Board directed that this appeal be denied.

B-46 MARK ALESSIO

Mark Alessio appeals the determination of the Division of Selection Services that found that he did not meet the education and experience requirements for the open competitive examination for Network Administrator 1 (C6165F), Bergen County.

ACTION: The Merit System Board directed that this appeal be denied.

B-47 JESSICA ANASTASI

Jessica Anastasi appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Social Work Supervisor 3 (Psychiatric) (PS1058K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-48 JOHN ANESKEWICH AND RICHARD MCKELVIE

John Aneskewich and Richard McKelvie appeal the determination of the Division of Selection Services which found that they did not meet the experience requirement for open competitive examination for Supply Support Technician 1 (S0267F).

ACTION: The Merit System Board directed that these appeals be denied.

B-49 PATRICIA BARANYAY

Patricia Baranyay appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Social Service Assistant (PC0541F), Ocean County.

ACTION: The Merit System Board directed that this appeal be denied.

B-50 RAMONA BARRIENTOS

Ramona Barrientos appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Purchasing Agent (PM1833E), Willingboro Township.

ACTION: The Merit System Board directed that this appeal be granted.

B-51 KATHLEEN L. BECK

Kathleen L. Beck appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Principal Claims Reviewer (PS1266H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-52 DAVID BEERS

David Beers appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the Administrative Analyst 4 (Data Processing) (PS2127I), Department of Corrections promotional examination.

ACTION: The Merit System Board directed that this appeal be denied.

B-53 ZHANNA BERMAN

Zhanna Berman appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Health Educator (C9644E), Bergen County.

ACTION: The Merit System Board directed that this appeal be denied.

B-54 MARY D. BIBBS

Mary D. Bibbs appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Human Services Specialist 1 (C0701F), Burlington County

ACTION: The Merit System Board directed that this appeal be denied.

B-55 JAMES P. BOLDEN

James P. Bolden appeals the determination of the Division of selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Supervising Administrative Analyst (PM0367F), City of Jersey City.

ACTION: The Merit System Board directed that this appeal be granted.

B-56 KELLY BOURDEAU AND VALERIE HAYMAN

Kelly Bourdeau and Valerie Hayman appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Charge Nurse 12 Months (S9259F).

ACTION: The Merit System Board directed that these appeals be granted.

B-57 KELLY BROWN-JONES ET AL.

Kelly Brown-Jones, Janice DeMicco, Tricia Lopez, Lisha Marino, and Carla Walker appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Supervising Clerk (PC0552F), Union County.

ACTION: The Merit System Board directed that these appeals be denied.

B-58 JAMES BURNS AND MICHAEL DEBONIS, JR.

James Burns and Michael DeBonis, Jr., appeal the determination of the Division of Selection Services that found that they did not meet the experience requirements for the promotional examination for Communications Systems Technician 2 (PS2382T), Department of Transportation.

ACTION: The Merit System Board directed that these appeals be denied.

B-59 MICHAEL CANAVERA

Michael Canavera appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Investigator 3, Labor (PS)7778N), Department of Labor.

ACTION: The Merit System Board directed that this appeal be denied.

B-60 VICTORIA CANAVERA AND NANCY SPONHOLTZ

Ann Kenyon, Manager, Human Resources, Ann Klein Forensic Center, on behalf of Victoria Canavera, appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 4 (PS8583K), Ann Klein Forensic Center. Nancy Sponholtz appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 4 (PS8583K), Ann Klein Forensic Center.

ACTION: The Merit System Board directed that these appeals be denied.

B-61 MICHELLE CAZAN

Michelle Cazan appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Program Development Specialist 2 (PS0804P), Juvenile Justice Commission.

ACTION: The Merit System Board directed that this appeal be denied.

B-62 LESLIE A. CHILENSKI

Leslie A. Chilenski appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Program Development Specialist, Community Service (C6190F), Sussex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-63 ANSELMO CRISONINO

Anselmo Crisonino appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Assistant Director, Community Development Program (PM1760E), Bayonne.

ACTION: The Merit System Board directed that this appeal be denied.

B-64 GAIL E. DANIELS

Gail E. Daniels appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Manager 2, Department of Law and Public Safety (PS1479P), Office of the Attorney General.

ACTION: The Merit System Board directed that this appeal be denied.

B-65 RICHARD DELANEY

Richard Delaney appeals the determination of the Division of Selection Services that he is ineligible to participate in the promotional examination for Supervising Engineer, Construction and Maintenance (PS2391T) examination because he failed to achieve a passing score on the Supervisory Test Battery Version 2.

ACTION: The Merit System Board directed that this appeal be denied.

B-66 JAMES DEMORE

James DeMore appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for County 911 Coordinator (PC0416F), Gloucester County.

ACTION: The Merit System Board directed that this appeal be denied.

B-67 MAUREEN DOMANSKI

Maureen Domanski appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Senior Admissions and Records Officer (PC0321F), Hudson County.

ACTION: The Merit System Board directed that this appeal be denied.

B-68 ANASTASIA DROOGAS

Anne Kenyon, Manager, Human Resources, Ann Klein Forensic Center, on behalf of Anastasia Droogas appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 4 (PS8583K), Ann Klein Forensic Center.

ACTION: The Merit System Board directed that this appeal be granted.

B-69 ROBIN FISHER AND WANDA ROGERS

Robin Fisher and Wanda Rogers appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Social Worker (PC1722E), Gloucester County Board of Social Services.

ACTION: The Merit System Board directed that these appeals be denied.

B-70 MARYANN GIFFORD, ET AL.

Maryann Gifford, Teresa Magliocco, Patricia Milano and Paula Pilitowski appeal the decisions of the Division of Selection Services which found that they did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS2136J), Rowan University.

ACTION: The Merit System Board directed that these appeals be denied.

B-71 JOHN GOLDEN AND ELIZABETH CARTER

The Department of Law and Public Safety, on behalf of John Golden and Elizabeth Carter, appeals the determinations of the Division of Selection Services which found that Mr. Golden and Ms. Carter failed to meet the experience requirement for the promotional examination for Computer Operator 3 (PS9557P), Department of Law and Public Safety.

ACTION: The Merit System Board directed that these appeals be denied but directed that the matter of the classification of the positions of Mr. Golden and Ms. Carter be referred to the Division of Human Resource Management.

B-72 MICHAEL GOLDIN

Michael Goldin appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open competitive examination for Supply Support Technician 1 (S0267F).

ACTION: The Merit System Board directed that this appeal be granted.

B-73 MARGARET GRESKO

Margaret Gresko appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the Personnel Assistant 3 (PS1211C), Department of Personnel promotional examinations.

ACTION: The Merit System Board directed that this appeal be denied.

VOTE:	Rolando Torres, Jr.	(Abstained)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-74 LAURA GRIFFIN

Laura Griffin appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the Community Program Specialist, Juvenile Justice Commission (PS0415P) promotional examination.

ACTION: The Merit System Board directed that this appeal be denied.

B-75 MONIQUE GROSSMAN

The appointing authority, on behalf of Monique Grossman, appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Buyer (PM0927E), Hoboken.

ACTION: The Merit System Board directed that this appeal be granted.

B-76 MINNIE HICKS

Minnie Hicks appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Training Technician (PS0729K), Greystone Park Psychiatric Hospital, Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-77 ANGELA HOBBS AND BARBARA MARTINE

Angela Hobbs and Barbara Martine appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Administrative Analyst 4 (Data Processing) (PS0542G), Department of Environmental Protection.

ACTION: The Merit System Board directed that these appeal be denied and the matter of appellant's classification be referred to the Division of Human Resource Management.

B-78 STEPHEN M. HUBBS

Stephen M. Hubbs appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Deputy Fire Chief (PM3624E), Township of Deptford.

ACTION: The Merit System Board directed that this appeal be granted.

B-79 JAMES W. HUNTER, ET AL.

James W. Hunter, Anthony F. Tazza, and Richard G. Wherley appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Supervisor Parks/Supervisor Recreation Maintenance (PM0373F), Township of Hamilton.

ACTION: The Merit System Board directed that these appeals be denied.

B-80 MARY A. JASINSKI AND JANICE G. MARTONE

Mary A. Jasinski and Janice G. Martone appeal the determinations of the Division of Selection Services, which found that they did not meet the education and experience requirements for the promotional examination for supervisor, Data Input and Control, Treasury (PS0480U), Department of the Treasury.

ACTION: The Merit System Board directed that these appeals be denied.

B-81 DEBRA JONES-STEVENSON

Debra Jones-Stevenson appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the promotional examination for Program Development Specialist 2 (Code Enforcement) (PS9929D), Department of Community Affairs.

ACTION: The Merit System Board directed that this appeal be denied.

B-82 BILL LAZNOVSKY

Bill Laznovsky appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the Program Development Specialist, Cultural and Heritage Affairs (C6156F), Middlesex County, open competitive examination.

ACTION: The Merit System Board directed that this appeal be denied.

B-83 RENEE LIGENZA

Renee Ligenza appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Management Specialist (PC0289F), Essex County.

ACTION: The Merit System Board directed that this appeal be granted.

B-84 KIRSTEN MANN

Kirsten Mann appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Technical Assistant, Classification (PS2134I), Northern State Prison.

ACTION: The Merit System Board directed that this appeal be granted.

B-85 PATRICK MCHUGH

Patrick McHugh appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Alcoholism Counselor (C0764F), Cumberland County.

ACTION: The Merit System Board directed that this appeal be granted.

B-86 CAROLYN MEACHAM

Carolyn Meacham appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Management Assistant (PC0287F), Essex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-87 SAMUEL MEDINA

Samuel Medina appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the Assistant Storekeeper (S0291F), Northern State Prison open competitive examination.

ACTION: The Merit System Board directed that this appeal be granted.

B-88 ROBERT K. MILES

Robert K. Miles appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Computer Operator 2 (S6734F).

ACTION: The Merit System Board directed that this appeal be denied.

B-89 ALEXIS MINNIS

Alexis Minnis appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Office Services Manager, (PC1802E), Union County.

ACTION: The Merit System Board directed that this appeal be granted.

B-90 LARRY MITCHELL

Larry Mitchell appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Assistant Maintenance Supervisor (M0608F), Newark School District.

ACTION: The Merit System Board directed that this appeal be denied.

B-91 BETH A. O'BRIEN

Beth A. O'Brien appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 3 (PS1666K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-92 ANNA PANTELLA

Anna Patella appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Medical Records Supervisor (S8002F).

ACTION: The Merit System Board directed that this appeal be granted.

B-93 LESLIE PETERS

Leslie Peters appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the promotional examination for Management Specialist (PM0290F), City of Newark.

ACTION: The Merit System Board directed that this appeal be denied.

B-94 JULIE PETIX

Julie Petix appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the Program Manager, Occupational and Environmental Health (PS2109H), Department of Health and Senior Services promotional examination.

ACTION: The Merit System Board directed that this appeal be granted.

B-95 JOHN D. POWER

John D. Power appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Communications Officer (PS1718T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-96 ANTHONY PRAGLIOLA

Anthony Pragliola appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Field Representative, Energy Conservation (C0740F), Mercer County.

ACTION: The Merit System Board directed that this appeal be granted.

B-97 DAVID PRINA

David Prina appeals the determination of the Division of Selection Services that denied him admittance to the promotional examination for Fire Captain (PM3591F), Harrison.

ACTION: The Merit System Board directed that this appeal be granted.

B-98 JENNIFER REYES

Jennifer Reyes appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Senior Laboratory Service Worker (PS0992H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-99 CARMELO RODRIGUEZ

Carmelo Rodriguez appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open-competitive examination for Behavior Modification Program Technician (S0278F), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-100 JANICE ROMAN

Janice Roman appeals the determination of the division of Selection Services that she did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (PS9351K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-101 FRANCIS RYAN

The appointing authority, on behalf of Francis Ryan, appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the promotional examination for Building Services Coordinator 3 (PS1394P), Division of Law.

ACTION: The Merit System Board directed that this appeal be granted.

B-102 VALERIE SAPIENZA

Valerie Sapienza appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Supervising Clerk (PC0552F), Union County.

ACTION: The Merit System Board directed that this appeal be granted.

B-103 CHRISTOPHER SMITH

Christopher Smith appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Assistant Buyer (C0645E), Burlington County.

ACTION: The Merit System Board directed that this appeal be denied.

B-104 LAURIN STAHL AND RONALD STOCK

Laurin Stahl appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the open competitive examination for Affirmative Action Officer 1 (S3023F). Ronald Stock appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirement for the open competitive examination for Affirmative Action Officer 1 (S3023F).

ACTION: The Merit System Board directed that these appeals be denied.

B-105 BRENDA E. STEWARD

Brenda E. Steward appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Classification Officer 1 (PS1574I), South Woods State Prison.

ACTION: The Merit System Board directed that this appeal be denied.

B-106 MELBA M. VAN PELT

Melba M. Van Pelt appeals the determination of the Division of selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Coordinator for Federal and State Aid (PC0006F), Ocean County.

ACTION: The Merit System Board directed that this appeal be granted.

B-107 GLORIA I. VAZQUEZ

Gloria I. Vazquez appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Technical Assistant 2, Labor (PS1772N), Department of Labor.

ACTION: The Merit System Board directed that this appeal be denied.

B-108 ARLENE VICARI

Arlene Vicari appeals the decision of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS2131I), Edna Mahan Correctional Facility for Women.

ACTION: The Merit System Board directed that this appeal be denied.

B-109 HEMANT VORA

Hemant Vora appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Field Representative, Energy Conservation (C0740F), Mercer County.

ACTION: The Merit System Board directed that this appeal be denied.

B-110 KHALIAH S. WILLIAMS

Khaliah S. Williams appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Senior Youth Worker (PS1680P), Juvenile Justice Commission.

ACTION: The Merit System Board directed that this appeal be denied.

B-111 MICHALINE YURCIK

Michaline Yurcik appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Supervising Administrative Analyst (PM0357F), City of Jersey City.

ACTION: The Merit System Board directed that this appeal be denied.

B-112 JAMES BATES, ET AL.

James Bates, Patricia Driggins, Ava Grant, and Christine Ruth appeal their scores on the open competitive examination for Family Service Specialist 2 (S6753F), Division of Youth and Family Services.

ACTION: The Merit System Board directed that these appeals be denied.

B-113 ETHEL BELL

Ethel Bell appeals her score on the promotional examination for Assistant Supervisor of Recreation (PS0743K), Hunterdon Developmental Center.

ACTION: The Merit System Board directed that this appeal be denied.

B-114 JACQUELINE BRIEL-FENTON

Jacqueline Briel-Fenton appeals her seniority score and rank on the promotional examination for Supervising Research Analyst Transportation (PS9245T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-115 GARY CONLEY

Gary Conley appeals the passing point and the necessity of having to take the promotional examination for Supervisor of Operations (PS1194U), Division of Pensions and Benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-116 DONALD PATTERSHALL

Donald Pattershall appeals his score on the promotional examination for Assistant Director of Nursing Services 1, Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be denied.

B-117 ABRAHAM MASSALEY

Abraham Massaley appeals his score on the open competitive examination for Family Service Specialist 2 (S6753F), Division of Youth and Family Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-118 MAX YURMAN

Max Yurman appeals his failing score and requests a make-up examination for Supervisor 2, Unemployment Benefits (PS9774N), Department of Labor and Workforce Development.

ACTION: The Merit System Board directed that this appeal be denied.

B-119 SUSAN GROSSMAN

Susan Grossman appeals her score on the promotional examination for County Service Specialist (PS7867K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that this matter be held over.

B-120 ANDREIA ANTONIACOMI

Andreia Antoniacomi requests a make-up examination for the Law Enforcement Service Examination (S9999F).

ACTION: The Merit System Board granted the request.

B-121 ROBIN BLAKE

Robin Blake requests a make-up of the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS1549H), Division of Addiction Services.

ACTION: The Merit System Board denied the request.

B-122 JOSEPH GRECO

Joseph Greco requests a make-up examination for the promotional examination for County Correction Lieutenant (PC2628E), Passaic County.

ACTION: The Merit System Board granted the request.

B-123 JOSEPH OLSZEWSKI

Joseph Olszewski, a Police Officer with Jersey City, represented by Robert Reed, Esq., requests that the names of applicants who took the make-up examination for Police Sergeant (PM2527D), Jersey City not be added to the eligible list.

ACTION: The Merit System Board denied the request.

B-124 EMANUEL PAIGE

Emanuel Paige requests a make-up examination for the promotional examination for Coordinator, Employment and Training Programs (PS6653N), Department of Labor and Workforce Development.

ACTION: The Merit System Board directed that this appeal be denied.

B-125 REINALDO PEGUERO

Reinaldo Peguero requests a make-up examination for the open competitive examination for Juvenile Detention Officer (C2099F), Middlesex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-126 SALVATORE AMATO

Salvatore Amato appeals the determination of the Division of Selection Services which found that he did not submit the required transcript or list of courses for the open competitive examination for Network Administrator 1 (C6165F), Bergen County.

ACTION: The Merit System Board directed that this appeal be granted.

B-127 CYNTHIA COTTON

Cynthia Cotton appeals the administration of the promotional examinations for Human Resource Consultant 2 (PS3700C) and Human Resource Consultant 3 (PS8452C), Department of Personnel.

ACTION: The Merit System Board directed that this appeal be denied.

VOTE:	Rolando Torres, Jr.	(Abstained)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-128 ANN MARIE PROCTOR

Ann Marie Proctor appeals the administration of the promotional examination for Supervising Management Improvement Specialist (PS0872P), Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be denied but that Ms. Proctor be provided with one more opportunity to take the alternate form of the Supervisor Test Battery (STB).

B-129 ROGER BORICHEWSKI

Robert Borichewski appeals the validity of the promotional examination for Administrator, Psychiatric Social Services (PS5404K), Senator Garrett Hagedorn Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be denied.

B-130 JOSHUA LAZARUS

Joshua Lazarus appeals the validity of the promotional examination for Principal Inspector Fire Safety (PS4072D), Department of Community Affairs.

ACTION: The Merit System Board directed that this appeal be denied.

B-131 ALBERT ORLANDI

Albert Orlandi appeals the validity of the promotional examination for Supervising Radiation Physicist (PS8508G), Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be denied.

B-132 KINDRED BURNSON

Kindred Brunson a County Correction Officer with Union County, represented by Michael K. Sharp, Executive Vice President, PBA Local 105, requests an Intergovernmental Transfer to the title of Senior Correction Officer with the Department of Corrections.

ACTION: The Merit System Board denied the request.

B-133 INSTITUTIONAL FIRE CHIEF

Camden Council No. 10, represented by James Katz, Esq., petitions the Merit System Board for a determination regarding Camden County's abolition of the position of Institution Fire Chief.

ACTION: The Merit System Board denied the request.

B-134 MARY ANN MCCLELLAND

Mary Ann McClelland contends that she should have received a position reclassification upgrade pursuant to the Merit System Board's decision in *In the Matter of Division of Youth and Family Services Clerical Titles* (MSB, decided March 13, 2003).

ACTION: The Merit System Board directed that this appeal be granted.

B-135 CIRI CASTRO, JON MARTIN AND LUIS SANCHEZ

Ciri Castor, Jon Martin and Luis Sanchez petitions the Merit System Board for retroactive dates of appointment, seniority and salary step placement in regard to decisions which restored the petitioners' names to the eligible list for Fire Fighter (M2013A), City of Camden.

ACTION: The Merit System Board granted the requests.

B-136 SCOTT DELUSSA

Scott Delussa appeals the determination of the Division of Selection Services which found that his application for the promotional examination for Police Sergeant (PM2614E), Bridgeton City was late.

ACTION: The Merit System Board directed that this appeal be denied.

B-137 RECENT COURT DECISIONS

Submitted for the Bard's review are summaries of recent court decisions involving the Merit System Board and Department of Personnel determinations *In the matter of Daryl Beechman v. New Jersey Department of Transportation* (Appellate Division, decided 11/5/04); *In the matter of Daniel Soto* (Appellate Division, decided 11/8/04); *In the matter of Nicholas Testa* (Appellate Division, decided 11/10/04); *In the matter of William Manoes* (Appellate Division decided 11/12/04); *In the matter of Hugh Donaghue (PM3555D), Jersey City, Police Captain* (Appellate Division, decided 11/16/04); *In the matter of Gilbert Snyder* (Appellate Division, decided 11/18/04); *In the matter of Richard Girman* (Appellate Division, decided 11/19/04).

ACTION: The Merit System Board noted the decisions.

B-138 PROPOSED AMENDMENTS TO N.J.A.C. 4A:1-1.3, 4A:4-2.11, 4A:7-1.1 AND 4A:7-3.1 (DOMESTIC PARTNERSHIPS)

It is recommended that the proposed amendments to N.J.A.C. 4A:1-1.3, 4A:4-2.11, 4A:7-1.1 and 4A:7-3.1 (Domestic Partnerships) be adopted without change.

ACTION: The Merit System Board adopted the amendments without change.

B-139 PROPOSED AMENDMENTS TO N.J.A.C. 4A:6-1.22 (DONATED LEAVE)

It is recommended that the proposed amendments to N.J.A.C. 4A:6-1.22 (Donated Leave) be adopted without change.

ACTION: The Merit System Board adopted the amendments without change.

B-140 PROPOSED AMENDMENTS TO N.J.A.C. 4A:6-2.2A (4L WORKWEEK)

It is recommended that the proposed amendments to N.J.A.C. 4A:6-2.2A (4L Workweek) be adopted without change.

ACTION: The Merit System Board adopted the amendments without change.

B-141 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of December 15, 2004 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes.

B-142 EARLY SETTLEMENTS

Damian Albanese
Division of Youth and Family Services
Department of Human Services
Release at the end of the working test period

Priscilla Armstead
Vineland Developmental Center
Release at the end of the working test period

Elderfield Derrick
County of Monmouth
Department of Corrections
Suspension

Jennifer Furth
County of Burlington
County Jail
Suspension

Renee Johnson
County of Mercer
Department of Human Services
Removal

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, January 26, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**ROLANDO TORRES, JR.
ACTING COMMISSIONER
MERIT SYSTEM BOARD**